

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22-CV-00068-BO

YOLANDA IRVING, et al.,

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.,

Defendants.

**JOINT MOTION FOR A CONSENT
PROTECTIVE ORDER FOR HIGHLY
CONFIDENTIAL MATERIALS**

(Local Civil Rule 101.2)

Plaintiffs and Defendants (the “Parties”), pursuant to Local Civil Rule 7.1 and Fed. R. Civ. P. 26(c), respectfully request that the Court enter the attached Consent Protective Order for Highly Confidential Materials to allow access to certain materials that, if released, could pose a security risk to sworn officers within the Raleigh Police Department and to members of cooperating local, State, and federal law enforcement agencies. In support of this request, the Parties show the Court as follows:

1. This action arises out of the procurement and execution of a search warrant obtained by former Raleigh Police Detective Omar Abdullah based on information provided by Dennis Williams, a confidential informant.

2. The search warrant at issue in this action authorized the search of 1628 Burgundy Street, Apartment B, which was the home of Ms. Irving, her family, and a visiting minor, all of whom are plaintiffs in this action. Officers also entered the home of Ms. Kenya Walton and her family, the remaining plaintiffs, in 1628 Burgundy Street, Apartment A.

3. The Parties jointly seek entry of a Consent Protective Order to allow access to certain materials that, if released, could pose a security risk to sworn officers within the Raleigh

Police Department and to members of cooperating local, State, and federal law enforcement agencies. In addition, general release of these materials or information contained in them could interfere with law enforcement investigations.

4. Given the nature of Plaintiffs' allegations in this action, the Parties anticipate that providing these materials to counsel appearing of record in this action could assist in alternate dispute resolution efforts, expedite the flow of discovery materials if discovery is needed, facilitate the prompt resolution of discovery disputes, as well as disputes concerning confidentiality, protect those materials designated by a law enforcement agency or law enforcement officer as highly confidential ("Highly Confidential Materials"), and ensure that protection is afforded only to materials so designated.

5. The protective order covers a limited type of materials. Only the following documents and/or information may be designated as "Highly Confidential Materials" pursuant to the proposed Order:

- a) information and/or documents containing Sensitive Public Security Information as defined by N.C.G.S. § 132-1.7, specifically including RPD Departmental Operating Instructions that are confidential and not released by RPD to the public; or
- b) information and/or documents that disclose law enforcement techniques, guidelines, and/or procedures if disclosure of such information and/or documents could reasonably be expected to risk circumvention of the law, endanger witness and law enforcement personnel, or hinder law enforcement's ability to conduct ongoing or future investigations.

6. The Parties believe that entry of the proposed Order could assist in alternate dispute resolution efforts, expedite the flow of discovery materials if discovery is needed, facilitate the prompt resolution of discovery disputes, as well as disputes concerning confidentiality, and protect those materials designated by a law enforcement agency or law enforcement officer as highly confidential (“Highly Confidential Materials”).

7. Counsel for the Parties stipulate and agree that the statements of fact contained in the attached proposed Stipulated Consent Protective Order show good cause for the Court’s entry of the same.

8. In addition, the Parties and counsel for the Parties stipulate and agree to be bound by the terms of the proposed Stipulated Consent Protective Order.

WHEREFORE, by consent and for good cause shown, the Parties jointly and respectfully request that the Court grant this motion and enter the proposed Consent Protective Order for Highly Confidential Materials filed contemporaneously with this motion.

Respectfully submitted, this the 1st day of August, 2022.

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CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2022, I electronically filed the foregoing Joint Motion with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record as follows:

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